



KENTUCKY

**DEPARTMENT OF
WORKERS' CLAIMS**

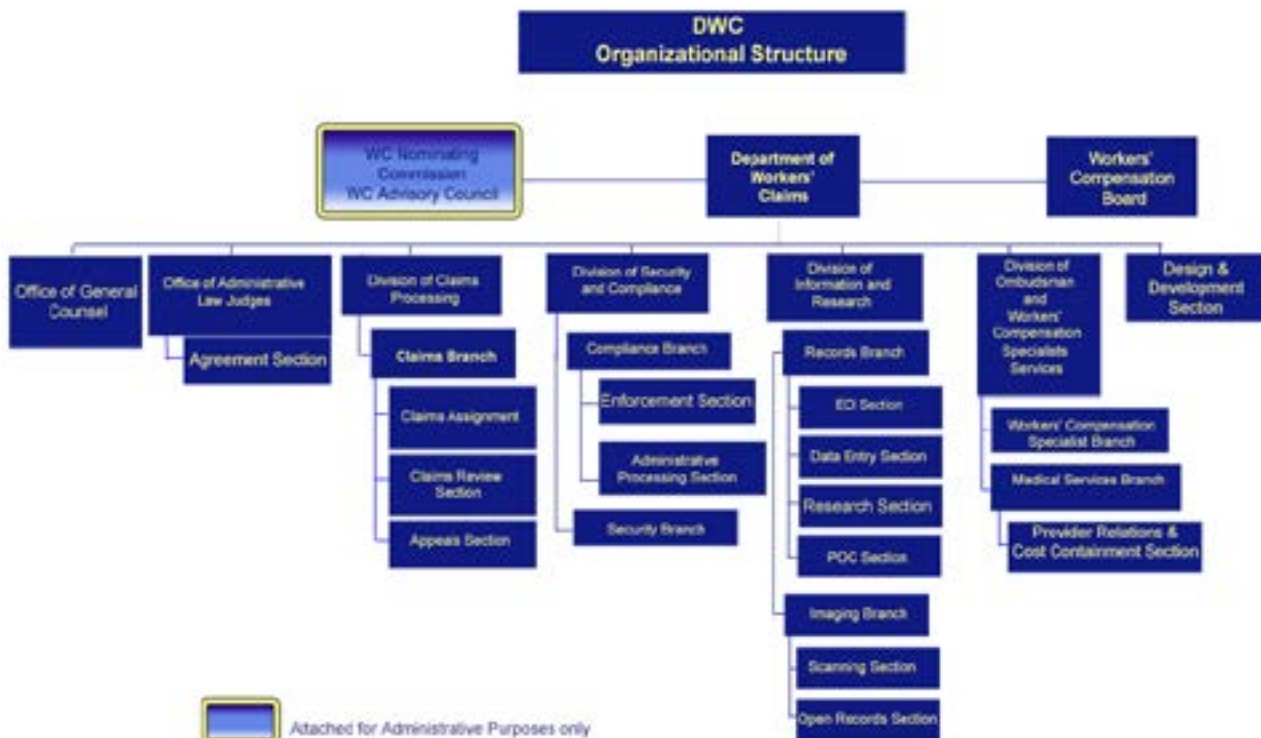


**Kentucky Department of Workers' Claims
Prevention Park
657 Chamberlin Avenue
Frankfort, KY 40601**

Mission of the Department of Workers' Claims:

Resourceful administration of Kentucky Workers' Compensation Program with equitable and expedient processing of claims.

Kentucky DWC Organizational Structure



Department of Workers' Claims Performance Objectives:

- ◇ **Assure prompt delivery of statutory benefits, including medical services and indemnity payments.**
- ◇ **Provide timely and competent services to stakeholders.**
- ◇ **Foster stakeholder knowledge of rights and responsibilities under the Workers' Compensation Act.**



- ◇ **Encourage stakeholder involvement in the development of policy and delivery mechanisms.**
- ◇ **Provide the public and policy makers with accurate and current indicators of program performance.**
- ◇ **Anticipate changes in the program environment and respond appropriately.**

Monitoring Program Performance

Division of Claims Processing

The key responsibilities of this division include the timely processing and assignment of Applications for Resolution of Injury (Form 101), Occupational Disease (Form 102 and Form 102CWP), Hearing Loss (Form 103) and the timely assignment of those claims to the Administrative Law Judges. Additionally, staff processes appeals from decisions of the Administrative Law Judge to the Workers' Compensation Board, Court of Appeals and Supreme Court.



Division of Information & Research

The duties of the *Division of Information and Research* include collection, storage and retrieval of data and the dissemination of information. The Division is organized into two branches, the Records Branch and the Imaging Branch. The Records Branch is primarily responsible for data entry, Electronic Data Interchange (Claims and Proof of Coverage), publications, specific data extrapolation associated with open records requests of multiple entities, web site maintenance, processing of statute letters and ensuring the validity and integrity of the DWC's databases. The duties of the Imaging Branch consist of imaging and verifying all hard copy documents as well as indexing them into the DWC's integrated information and optical system and ensuring files get to appropriate ALJ staff. The Imaging Branch also responds to requests for claim and first report information , open records requests for claimants and pre-employments.

They also have the responsibility of authenticating claims for litigation purposes by verbal deposition or written certification.



Division of Security & Compliance



The Division of Security and Compliance works to ensure employers either obtain workers' compensation insurance or are authorized by the Commissioner to self-insure.

The Division has two branches, the Security branch and the Compliance branch. The Security branch performs all functions necessary to assure self-insured employers are acting in accordance with the statutes and regulations governing self-insurance. This requires the branch to examine injury claim information, the employer's financial data, and other information related to the self-insured employer. Accuracy of this information is important because it plays a major role in the Commissioner's determination of the amount of security the self-insured employer is required to deposit in order to secure workers' compensation benefits for its employees. The Compliance branch performs all functions necessary to ensure employers obtain and maintain workers' compensation insurance. Investigators throughout the state make on-site visits to educate employers regarding their obligation to obtain and maintain a policy of insurance and to discover whether employers have complied with this obligation. The branch also responds to requests for information regarding the workers' compensation insurance of specific employers.

Division of Ombudsman and Workers’ Compensation Specialists Services

The Division of Ombudsman and Workers’ Compensation Specialists provides a centralized source of information and assistance. In addition to the Ombudsman and the Workers’ Compensation Specialists Services sections, the Medical Services Branch and Vocational Rehabilitation Services Section are included in this Division.

This Division also oversees the Drug Free Workplace Program. Participation in this program demonstrates the employer’s willingness to promote a social responsibility and provide a safe work environment for their employees and in exchange, the employer may be eligible to receive a 5% discount on their workers’ compensation premium.

This Division maintains toll free telephone lines to assist citizens in workers’ compensation matters by answering questions, providing information and attempting to resolve conflicts.

The Medical Service Branch’s primary focus is on cost containment. This branch approves utilization review and managed care plans and maintains the hospital fee schedule and medical fee schedule for doctors. This branch also schedules university evaluations.

The Vocational Rehabilitation Services section includes retraining and job placement opportunities for injured workers.

Workers’ Compensation Specialists are available Monday-Friday, 8:00 am-5:00 pm Eastern time, 800-554-8601

Office of General Counsel

The Office of General Counsel is responsible for providing legal support services to the Department of Workers' Claims. The Office advises the Commissioner's Office as to responsibilities with regard to personnel actions under KRS Chapter 18A and defends the agency in any actions, personnel or otherwise, that are filed against the department. Additionally, the Office has responsibility for promulgating regulations required of the Department and drafting and reviewing legislation. The Office provides assistance to the Enforcement Branch in ensuring compliance with workers' compensation laws for imposition of injunctions and fines against employers who neglect or refuse to provide workers' compensation coverage for their employees. In circumstances where an employee is injured and their employer has failed to provide insurance coverage, liens are filed against assets of uninsured employers pursuant to KRS 342.770. The Office is responsible for reviewing open records requests in compliance with the state's open records law. The Office investigates unfair claims practices and is responsible for issuing show cause orders and representing the Department at hearings when it has been determined that an unfair claims practice has occurred.



Administrative Law Judges

The Department of Workers' Claims has 19 Administrative Law Judge (ALJ) positions allocated, 17 of which are currently filled. Each ALJ is appointed for a four-year term by the Governor and is subject to confirmation by the Kentucky State Senate. One of the ALJs is designated Chief Administrative Law Judge (CALJ) pursuant to KRS 342.230(8).

The CALJ presides over the Frankfort motion docket. In addition, the CALJ rules on settlement agreements in unassigned cases and regularly conducts dockets for coal workers' pneumoconiosis (CWP) cases, as well as conducts hearings in various enforcement actions. The CALJ supervises ALJ activities, prepares a rotation schedule for the ALJs, plans two adjudicator training sessions annually, takes initial assignment of all CWP claims and covers dockets for other ALJs on an emergency basis.

The ALJs oversee the adjudication of claims filed with the Department of Workers' Claims. The ALJs are required to conduct benefit review conferences and formal hearings in these claims. Thereafter, they are required to issue decisions within 60 days of the hearing. These decisions must contain findings of fact and rulings of law and are subject to appeal to the Workers' Compensation Board, Court of Appeals and Supreme Court.



Workers' Compensation Board

Since 1987 and pursuant to KRS 342.285, the Kentucky Workers' Compensation Board has been the first step in the appellate process in a workers' compensation litigated claim. The three members of the board are appointed to four-year terms by the governor, subject to confirmation by the Senate. Board members must possess qualifications of Court of Appeals judges.

Beginning in 1994, statutory alterations obligated the board to render its opinion within 60 days of the filing of the last brief. The cases are randomly assigned to each board member to be the primary author of that opinion. In each opinion, unless it is necessary for a board member to recuse himself from the case, all three will participate in the decision.



Kentucky Department of Workers' Claims

Key Contacts



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Division of Information & Research
Fran Davis, Director
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Kentucky Department of Workers' Claims Key Contacts, continued



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Scott Gasser, Director
(502) 782-4534



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Division of Administrative Law Judges
Robert Swisher,
Chief Administrative Law Judge
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Workers' Compensation Board
Michael Alvey
(270) 687-7337

The following publications are made available by the Kentucky Department of Workers' Claims

- **Medical Fee Schedule for Physicians**
- **Commissioner's Report on "B" Readers**
- **Workers' Compensation Posting Notice**
- **Life Expectancy Tables**
- **Rehabilitation Pamphlet**
- **Compliance Inspection Pamphlet**
- **List of "B" Readers for CWP**
- **Workers' Compensation Guidebook**
- **Workers' Compensation Forms***
- **Hospital Fee Schedule**
- **Annual Report**
- **Benefits Schedule**
- **Quarterly Report**
- **Present Worth Table**



These publications and forms may be accessed through the agency web site at <http://www.labor.ky.gov/workersclaims> or by calling the Department of Workers' Claims at 800-554-8601.

***The Employee's Written Notice of Rejection (Form 4) can be obtained by calling 502-782-4490.**